| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/515,813 | 02/29/2000 | Thomas Hanebrink | 473-009270-US(PAR) | 1352 |

7590    09/26/2002

Perman & Green LLP
425 Post Rd
Fairfield, CT   06430

| EXAMINER |
|---|
| LOUIS JACQUES, JACQUES H |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3661 | |

DATE MAILED: 09/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

|  | **Office Action Summary** | Application No. 09/515,813 | Applicant(s) HANEBRINK, THOMAS |
|---|---|---|---|
|  |  | Examiner Jacques H. Louis-Jacques | Art Unit 3661 |

*ll*

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on _09 August 2002_ .

2a)☒ This action is **FINAL**.     2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) _1-25_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-25_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☒ The proposed drawing correction filed on _09 August 2002_ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

| | |
|---|---|
| 1) ☒ Notice of References Cited (PTO-892) | 4) ☐ Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) ☐ Notice of Informal Patent Application (PTO-152) |
| 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _14_ . | 6) ☐ Other: . |

# DETAILED ACTION

1, 14, 15, 16

## *Claim Rejections - 35 USC § 103*

1.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains.  Patentability shall not be negatived by the
> manner in which the invention was made.

2.      Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sumizawa

[6,185,503] in view of Sumner [5,173,691].

Sumizawa discloses a navigation system reports on a traffic control point and a

traffic jam location by voice on a route, various types of traffic information are received

by an FM multiplex receiver.  If the received traffic information set, the distance from the

current position to the tail end of the traffic jam location is calculated and is reported by

voice through a speaker. A means for route setting that sets a route to a destination, a

position detection device that detects a current position, a reception device that receives

traffic information from outside and a reporting device that, when the traffic information

received by the reception device indicates that there are a plurality of locations which

may constitute a hindrance to traveling on the route that has been set, calculates the

distances from the current position detected by the detection device to the locations that

may constitute a hindrance and then issues a voice report on the nearest one. The length

of the traffic jam may be reported in addition to the distance to the traffic jam location.

When there is a plurality of traffic jam locations or traffic control points, a voice report

may be issued on all of them.  Only traffic jam locations or traffic control points that are

within a specific distance from the current position may be reported.  Also, according to

Sumizawa, the traffic messages or locations are outputted based on their distances to the

current position of the vehicle. *Figure 5 of Sumizawa shown the distances between the*

*different traffic locations and the vehicle location. Based on the determined distances,*

*traffic messages related to traffic locations are sorted or classified. See "Traffic jam*

*classification" column of figure. Figures 7, 8, and 9 show similar features (limitations).*

*According to Sumizawa, traffic locations (messages) are sorted or classified based on*

*their distances to the vehicle position. Also, it is clear that a traffic message is supplied*

*based on its distance to the vehicle. Also, the closest traffic message to the vehicle is*

*supplied or outputted. However, it could argue that only one distance or traffic message*

*is supplied at on time to the driver. Summer, on the other hand, discloses a data fusion*

*process for an in-vehicle traffic congestion information system, wherein traffic*

*information for a plurality of sources are gathered and collected. According to Summer,*

*a traffic communication system supplies traffic information or messages to a driver of a*

*vehicle. According further to Summer, traffic information (messages) is gathered along*

*with the locations (geographical coordinates) of the traffic. In addition, as set forth in*

*column 6, congestion or traffic information is reported to the vehicle driver based on the*

*proximity (distance) of the vehicle to the congestion (traffic), wherein "the nearest*

*congestion messages are reported first". Still as described in column 13, lines 51-53,*

*"messages my be presented in order of cell distance from the vehicle such that closer*

*messages are received first.* *" Thus, it would have been obvious to one skilled in the art at the time of the invention to be motivated to modify the navigation system of Sumizawa by incorporating the features from the traffic information system of Summer because such modification, as suggested by Summer, will provided a system will provide traffic information relevant to a vehicle travel path, thereby effectively assisting the driver in avoiding congestion (traffic).*

3.      Claims 1-25 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Goss et al [5,933,094] in view of Sumner [5,173,691].

Goss et al discloses a device for editing and outputting information for a motor vehicle, wherein there is provided a receiver for digitally coding traffic messages. According to Goss et al, the traffic messages are stored along with the locations of the traffic. The location of the vehicle is compared to the locations of the traffic messages. There is provided a Global Positioning System GPS for determining the positions of the vehicle. The direction of the vehicle is also determined. See column 1. The device according to Goss et al is such that it does not provided unnecessary traffic messages that are not relevant to the driver. In accomplishing this, the device of Goss et al outputs traffic messages based on distance of the present location of the vehicle and the traffic location. See column 2. Also, the traffic messages are updated in accordance with predefined time periods. As further described in columns 7 and 8, the traffic messages and/locations are outputted according to some kind of priority or weight (resistance value) associated with the distances between the present location of the vehicle and the

locations of the traffic. Goss et al does not particularly teach that the priority is distance and wherein the traffic message with the smallest distance is outputted first. *Summer, on the other hand, discloses a data fusion process for an in-vehicle traffic congestion information system, wherein traffic information for a plurality of sources are gathered and collected. According to Summer, a traffic communication system supplies traffic information or messages to a driver of a vehicle. According further to Summer, traffic information (messages) is gathered along with the locations (geographical coordinates) of the traffic. In addition, as set forth in column 6, congestion or traffic information is reported to the vehicle driver based on the proximity (distance) of the vehicle to the congestion (traffic), wherein "the nearest congestion messages are reported first". Still as described in column 13, lines 51-53, "messages my be presented in order of cell distance from the vehicle such that closer messages are received first." Thus, it would have been obvious to one skilled in the art at the time of the invention to be motivated to modify the device of Goss et al by incorporating the features from the traffic information system of Summer because such modification, as suggested by Summer, will provided a system will provide traffic information relevant to a vehicle travel path, thereby effectively assisting the driver in avoiding congestion (traffic)*

### Response to Amendment

4.      The amendments along with the arguments filed on August 9, 2002 have been entered and carefully considered by the examiner.

The objection to the drawing has been withdrawn. The proposed drawing correction has been approved by the examiner. Applicant is suggested to submit formal drawings in response to this office action, since drawing correction will not be held in abeyance.

Among the points argued in the response, applicant argued that the prior art does not store the traffic jam information sorted in accordance with the current vehicle position" and "there is not list of traffic messages sorted according to the distance between the current vehicle position and the position of the traffic hindrance location".

Applicant also argued "Sumner only presents traffic information to a driver that is associated with a nearby "cell" along the vehicle route."

First, In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., display a list of traffic information messages sorted according to individual positions associated with each message) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The claims merely recites "the traffic messages sorted according to distances are output starting with the smallest distance' (claim 1), "the traffic messages are then output starting with that traffic message the distance assigned thereto is the smallest distance (claim 14), "outputting the sorted traffic messages starting with a message corresponding to the shortest distance" 9claim 15, "outputting the traffic information to the user in a

manner relative to the distance between the position of the user and the position

corresponding to the traffic information" (claim 16). None of the claims recites

displaying "a list of traffic according to the distance between the current vehicle position

and the position of the traffic location" as argued by applicant.

Second, applicant argued, in reference to the Sumner patent, that "only traffic

information that is associated with a nearby cell along the vehicle route is presented t the

driver, NOT according to the distance to the actual car position. However, upon

considering the claims, the claims recite "traffic messages are stored together with the

respective position of the route section or point to which they relate" (claims 1 and 14)

and "traffic messages relating to a selected area" (claims 15 and 16). Thus, the claims

recite exactly what Applicant argued.

In light of the foregoing, the claims remain rejected and this office action is made

final.

## *Conclusion*

5.      The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

| | | |
|---|---|---|
| 5,193,214 | Mardus et al | Mar. 1993 |
| 5,739,773 | Morimoto et al | Apr. 1998 |
| JP 09145390 A | Morimoto et al | Jun. 1997 |

6.      **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jacques H. Louis-Jacques whose telephone number is (703) 305-

9757. The examiner can normally be reached on M-Th, 8:30 AM - 5:00 PM (Eastern Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William A. Cuchlinski can be reached on (703) 308-3873. The fax phone numbers

for the organization where this application or proceeding is assigned are (703) 305-7687 for

regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 308-1111.

<div style="text-align: right;">
Jacques H. Louis-Jacques<br>
Primary Examiner<br>
Art Unit 3661
</div>

/jlj
September 23, 2002